

## REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled in this paper. Claims 1, 5 and 13 have been amended in this paper. New claim 35 has been added in this paper. Therefore, claims 1-5, 7-15 and 17-35 are pending and under active consideration.

Claims 1-5, 7-11, 13, 15, 17-18, 21-22, 24 and 26-34 stand rejected under 35 U.S.C. 102(b) “as being anticipated by Klopotek (US Patent 6,730,123; hereinafter Klopotek).”

Applicant respectfully traverses the subject rejection.

Claim 1, from which the remaining rejected claims depend directly or indirectly, has been amended in this paper and now recites “[a]n artificial lens for an eye, which is characterized in that it has two or more media that are flexible in shape that come into direct contact with one another as lens elements, in that the media that are flexible in shape contact on at least one interface and are disposed so that they can be displaced relative to one another, and in that the media that are flexible in shape are each formed as a liquid.”

Klopotek fails to anticipate or to render obvious claim 1 for at least the reason that Klopotek does not teach or suggest an artificial lens for an eye characterized in that, amongst other things, it has two media that come into direct contact with one another as lens elements and that are flexible in shape, **wherein each of the media is a liquid**. The Patent Office is apparently taking the position that membrane 16 and integral lens 14 of Klopotek correspond to the claimed media. However, Applicant notes that neither membrane 16 of Klopotek nor integral lens 14 of Klopotek is a liquid, let alone **both** being a liquid. Instead, it is clear, based on their respective functions, that both

membrane 16 and integral lens 14 must be solids. In fact, Klopotek teaches in the paragraph bridging cols. 7 and 8 that each may be made of **silicone rubber**, which is clearly a solid (as compared to the **liquid silicone** that is used to fill chamber 18).

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 12, 14, 19, 20, 23 and 25 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Klopotek USPN 6,730,123 “Klopotek” as applied to claims 1, 2, 18, 22 and 24 above, and further in view of Esch USPN 7,122,053 “Esch.”

Applicant respectfully traverses the subject rejection. Claims 12, 14, 19, 20, 23 and 25 depend, directly or indirectly, from claim 1. Claim 1 is patentable over Klopotek for at least the reasons given above. Esch fails to cure all of the deficiencies of Klopotek with respect to claim 1. Therefore, based at least on their respective dependencies from claim 1, claims 12, 14, 19, 20, 23 and 25 are patentable over the applied combination of references.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

New claim 35 has been added in this paper, new claim 35 being essentially identical to previously presented claim 1. Claim 35 is patentable over Klopotek for at least the reason that Klopotek fails to teach or to suggest an artificial lens for an eye characterized in that, amongst other things, it has two media that come into direct contact with one another as lens elements and that are flexible in shape, **wherein each of the media is a liquid or a gel**. To the extent that the Patent Office appears to be suggesting that Klopotek teaches at col. 7, line 62, that membrane 16 and integral lens 14 are made of “silicone,” which the Patent Office appears to be regarding as a liquid or a gel, Applicant respectfully submits that the Patent Office has misread Klopotek. The passage in question from Klopotek teaches that membrane 16 and integral lens 14 can be made of “silicone

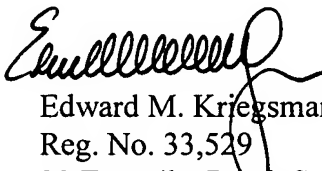
rubber” when liquid silicone is used to fill optical chamber 18. Silicone rubber of the type used to form membrane 16 or integral lens 14 would clearly not be a liquid or a gel, but rather, would be a solid in order to provide the necessary structural support required of these elements. Klopotek does not teach or suggest providing membrane 16 or integral lens 14 in liquid or gel form.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

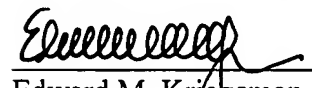
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 19, 2010.

  
Edward M. Kriegsman